

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                             |   |                                  |
|-----------------------------|---|----------------------------------|
| FREDERICK BANKS,            | ) |                                  |
|                             | ) |                                  |
| Plaintiff,                  | ) | Civil Action No. 2:13-cv-1712    |
|                             | ) |                                  |
| v.                          | ) | Judge Nora Barry Fischer         |
|                             | ) | Chief Magistrate Judge Lisa Pupo |
| DICTIONATE, SCIENCE &       | ) | Lenihan                          |
| TECHNOLOGY CENTER (CIA), et | ) |                                  |
| al.,                        | ) |                                  |
|                             | ) |                                  |
| Defendants.                 | ) |                                  |
|                             | ) |                                  |

**MEMORANDUM ORDER**

The Complaint was filed in the above captioned case on October 21, 2013 in the Middle District of Pennsylvania, along with Plaintiff's Motion to Proceed *In Forma Pauperis*. Without ruling on the motion to proceed *in forma pauperis*, the Middle District transferred this action *sua sponte* to this District, pursuant to 28 U.S.C. §1406(a), in the interest of justice, and this action was received here on December 2, 2013. The case was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. The Motion for Leave to Proceed *in forma pauperis* (ECF No. 2) was granted on March 7, 2014.

The Magistrate Judge's Report and Recommendation (ECF No. 10), filed on March 7, 2014, recommended that the Complaint (ECF No. 1) be dismissed with prejudice as frivolous and for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915(e)(2)(B)(i) & (ii). Service of the Report and

Recommendation was made on Plaintiff at P.O. Box 42303, Pittsburgh, PA 15203, and at USMS #05711-068, Northeast Ohio Correctional Center, 2240 Hubbard Road, Youngstown, OH 44505. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. Thus, objections were due on or before March 24, 2014. To date, no objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 27<sup>th</sup> day of March, 2014,

**IT IS HEREBY ORDERED** that the Complaint filed by Plaintiff Frederick Banks (ECF No. 1) is **DISMISSED WITH PREJUDICE** as frivolous and for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915(e)(2)(B)(i) & (ii).

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 10) of Chief Magistrate Judge Lenihan, dated March 7, 2014, is adopted as the opinion of the Court.

s/Nora Barry Fischer  
NORA BARRY FISCHER  
United States District Judge

cc: Frederick Banks  
P.O. Box 42303  
Pittsburgh, PA 15203  
*Via First Class Mail*

Frederick Banks,  
USMS #05711-068  
Northeast Ohio Correctional Center  
2240 Hubbard Road  
Youngstown, OH 44505  
*Via First Class Mail*